

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

MARTIN AKEEM DANIEL,

Plaintiff,

v.

E. RALPH COLLETT, et al.,

Defendants.

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No. 1:07-CV-1 CAS

**MEMORANDUM AND ORDER**

Before the Court is plaintiff's motion for default judgment. Although titled as a motion for default judgment, plaintiff's motion contains numerous requests and arguments, including: (1) a request for copies of "all correspondence" in the Court's possession "since this civil case began;" (2) reply paragraphs in support of his earlier motion for preliminary injunction (Doc. 26); (3) a request for transfer to a new facility; and (4) a request for appointment of counsel.<sup>1</sup> The Court will discuss each of plaintiff's requests in turn.

**Motion for Default Judgment.**

Because defendants Collett, French, Vinson, Atters, Lizenbee, Dale and Byassee filed their Answers within the time allowed by the Federal Rules of Civil Procedure and defendants Blankenship and Jaynes were granted leave to file their Answer out of time, plaintiff's request for default judgment will be denied.

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<sup>1</sup>Plaintiff also included a request to change his address of record, which was duly noted by this Court on that date.

**Request for Copies.**

Plaintiff asserts that when he was transferred to his new facility, he was told that his legal work was being placed in his property. Plaintiff claims, however, that he did not receive a property inventory sheet, in contravention of Department of Corrections Policy. Accordingly, plaintiff requests copies of all “correspondence” entered “since this civil case began.” Because plaintiff has not alleged that he lost his legal materials, only that they were placed in storage during the facilitation of his transfer, he has not shown the need to be provided with a copy of all documents entered in this case. The Court will provide plaintiff with a copy of the most current docket sheet.

**Reply Paragraphs in Support of Motion for Preliminary Injunction.**

To the extent that several paragraphs included in plaintiff’s motion for “default judgment” were intended to constitute a reply in support of his motion for preliminary injunction, the Court reviewed these arguments in ruling on that motion. Plaintiff is reminded that any future reply memorandum should be filed as its own document, labeled as such, in order to ensure that the Court can adequately review all related materials.

**Request for Transfer.**

Plaintiff seeks an order of this Court transferring him out of the custody of the Missouri Department of Corrections and into a federal penal institution or the Cape Girardeau County Jail. Such relief is outside of the Court’s authority and is hereby denied.

**Request for Appointment of Counsel.**

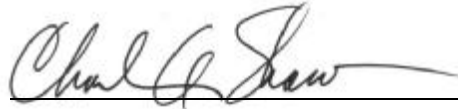
The Court has appointed counsel for plaintiff counsel by separate order and therefore the request is moot.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for default judgment is **DENIED**. [Doc. 32]

**IT IS FURTHER ORDERED** that plaintiff's request for copies of all "correspondence" entered in this case "since this civil case began" is **DENIED**. The Clerk of the Court shall provide plaintiff with a copy of the docket sheet.

**IT IS FURTHER ORDERED** that plaintiff's request for transfer is **DENIED**.

  
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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 14th day of January, 2008.